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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LORRAINE E. RILEY; ROBERT M. BROWN;
DAWN BROWN; AND THE BROWN
FAMILY TRUST,

Plaintiffs,

vs.

GREENPOINT MORTGAGE FUNDING,
INC.; MARIN CONVEYANCING CORP.; DLJ
MORTGAGE CAPITAL, INC.; SELECT
PORTFOLIO SERVICING, INC.; AND
QUALITY LOAN SERVICE CORP.,

Defendants.

Case No.: 2:10-cv-01873-RLH-RJJ

ORDER

(Ex Parte Motion for Temporary
Restraining Order-#35)

Before the Court is Plaintiffs Lorraine E. Riley, Robert M. Brown, Dawn Brown, and the Brown Family Trust's **Motion for Temporary Restraining Order** ("TRO") (#35), filed February 22, 2011. Plaintiffs filed this motion *ex parte*.

For a more detailed recitation of the facts of this case, please see the Court's Order (#6, October 28, 2010) denying Plaintiffs' prior TRO motion. Since the Court denied Plaintiffs' first TRO request, the parties put forth some minimal efforts to schedule mediation without success. Defendants have also filed two separate Motions to Dismiss (##19, 23). Different

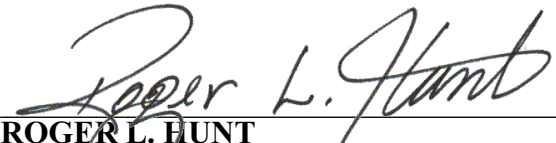
1 Defendants were party to each motion. Then in early February, Defendant Quality Loan Service
2 Corp. served a new Notice of Trustee's Sale to sell the residence on February 23 at 10:00 a.m.
3 After seeking some resolution with the Defendants, Plaintiffs filed the instant *ex parte* TRO
4 motion with this Court on February 22. Although the motion was filed in the afternoon on the
5 22nd, Chambers did not receive the motion until the morning of the 23rd. Therefore, it was too
6 late for the Court's timely consideration, regardless of the merits of the motion (or lack thereof).
7 As the appointed hour has now come and gone, the issue is moot. Defendants have either sold the
8 home at auction or failed to do so, and a TRO would have no effect on that now. Therefore, the
9 Court denies the motion as moot.

10 **CONCLUSION**

11 Accordingly, and for good cause appearing,

12 IT IS HEREBY ORDERED that Plaintiffs' Motion for Temporary Restraining
13 Order (#35) is DENIED as moot.

14 Dated: February 23, 2011.

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17 **ROGER L. HUNT**
18 **Chief United States District Judge**
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